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OGC 64-1197a

OGC Has Reviewed

MEMORANDUM FOR: Special Support Assistant to the
Deputy Director (Support)

SUBJECT: Authorization for Leave and Travel
in Case of Interrupted Home Leave

1. This is in response to your request for legal advice involving the above problem, the facts of which are set forth in a memorandum from the Acting Chief, Western Hemisphere Division, to the Assistant Deputy Director for Plans, dated 27 April 1964, entitled: "Authorization for Temporary Duty Travel for Mr. Joseph [redacted]"

The facts are that Mr. [redacted] completed a tour of duty in [redacted] and returned to this country on home leave in August 1963. However, after only four days at his home leave point, due to operational circumstances requiring his presence, he returned to his Station. You advise also that Mr. [redacted] family stayed on in this country for a longer period and then joined [redacted]

[redacted]. It is now intended to transfer Mr. [redacted] The Division desires to return him to HQ for a short period of temporary duty and to permit home leave for him with his family prior to his proceeding to his new post [redacted]

2. The statute which provides for home leave, namely, the Annual and Sick Leave Act of 1951, as amended by the Overseas Differentials and Allowances Act, authorizes the granting of home leave upon completion of 24 months' continuous service outside the United States. In regulations implementing that provision the Civil Service has prescribed that home leave may be granted an employee upon completion of the prescribed period or within a reasonable time after his return to the United States. The Civil Service further provides that home leave not granted at such time may be granted only when the employee has completed a "further substantial period of service abroad" and the further period of service abroad is to be

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"not less than the tour of duty prescribed for the employee's post of assignment, except when the agency determines that an earlier grant of home leave is warranted in an individual case" (Federal Personnel Manual, Subchapter S6, subparagraph 7a). Similar provision is included [redacted] subparagraph 4b(2). By the Western Hemisphere Division memorandum of 27 April, that Division has determined that an earlier grant is warranted in this case.

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[Redacted Signature]

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Associate General Counsel

Attachment:

27 Apr 64 Memo fr Acting C/WH
to ADD/P

cc: Chief, WH w/o att